

BRIEF SUMMARY OF EPA FINAL RULE FOR CATHODE RAY TUBES (CRTs)
Federal Register: July 28, 2006 (Volume 71, Number 145), Page 42927-42949

April 22, 2008

A. CRTs From Households and Conditionally Exempt Small Quantity Generators (CESQGs)

Under previously existing regulations, CRTs from households are exempt from hazardous waste management requirements of the federal Resource Conservation and Recovery Act (RCRA), even when they are sent for recycling or disposal. [See 40 Code of Federal Regulation (CFR) 261.4(b)(1)]. Non-residential generators of less than 100 kilograms (about 220 lbs) of hazardous waste in a calendar month, including CRTs, are conditionally exempt from most RCRA requirements. [See 40 CFR 261.5(a), (b) and (g)]. These exemptions are not changed in the Final Rule. (A CRT weighs about 30 lbs.)

B. Reuse and Repair of Used CRTs

Any user sending a CRT to a collector or reseller for potential reuse is not a hazardous waste generator. Materials used and taken out of service by one person are not wastes if another person uses them in the same way. CRTs undergoing repairs (such as rewiring or replacing defective parts) before resale or distribution are not being reclaimed, and are considered to be products in use rather than solid wastes. These repairs do not constitute waste management. This approach is not changed in the Final Rule. However, the Final Rule imposes a one-time notification requirement on CRTs exported abroad for reuse.

C. CRTs and CRT Glass Sent for Recycling

Unused CRTs: Persons who send unused CRTs for recycling (e.g., glass processors, glass-to-glass manufacturers, or smelters) are not subject to RCRA regulations. Although these types of recycling may constitute reclamation, EPA does not regulate unused commercial chemical products that are reclaimed. [See 40 CFR 261.2(c) and Table 1].

Used, Intact CRTs: The Final Rule states that intact CRTs sent for recycling that occurs within the United States are not solid wastes, unless they are speculatively accumulated by a CRT collector or glass processor [see 40 CFR 261.4(a)(22)(i)].

Used, Broken CRTs: The Final Rule states that used, broken CRTs (those whose vacuum has been released) are not solid wastes when sent for recycling that occurs within the United States if they are packaged and labeled or if they are stored in a building [see §§ 261.4(a)(22)(iii) and 261.39(a)(1)–(3)]. Like used, intact CRTs, they may not be speculatively accumulated [see § 261.39(a)(4)].

Requirements for CRT Processing: To qualify for the exclusion from the definition of solid waste under the Final Rule, CRT glass processing (as newly defined in 40 CFR

260.10) must take place in a building, and no activities may be performed that use temperatures high enough to volatilize lead [see 40 CFR 261.39(b)].

Processed CRT Glass: Under the Final Rule, processed CRT glass (glass removed from CRTs) that is sent to a CRT glass manufacturer or a lead smelter is not a solid waste, unless it is speculatively accumulated [see 40 CFR 261.39(c)]. If it is sent to other types of recycling, it may be excluded from the definition of solid waste if it is used as an effective substitute for a commercial chemical product [see 40 CFR 261.2(e)(ii)]. Under the Final Rule, processed CRT glass legitimately used in a manner constituting disposal must be packaged and labeled and must also comply with the applicable requirements of 40 CFR part 266, subpart C [see 40 CFR 261.39(a)(1)-(4) and (d)].

D. Exports of Used CRTs

Under the Final Rule, used CRTs, whether intact or broken, exported for recycling are not solid wastes provided they are not speculatively accumulated and provided the exporter notifies EPA of the export and receives a subsequent written consent from the receiving country allowing the CRTs to be imported for recycling [see 40 CFR 261.40 and 261.39(a)(5)]. Used, broken CRTs must also be packaged and labeled, and they may not be speculatively accumulated [see § 261.39(a)(5) and (a)(1)-(4)].

Used intact CRTs exported for reuse are not solid wastes if the exporter sends a one-time notification to the EPA Regional Administrator. The notification must contain a statement that the notifier plans to export used, intact CRTs for reuse, as well as contact information (see § 261.41).

The notification requirements for exports of used CRTs went into effect as a federal requirement applicable in all states on January 29, 2007, and is currently enforceable by EPA.

E. Disposal of CRTs

If a person (other than a household) sends used or unused CRTs directly to a landfill or incinerator, that person would be considered the generator of a solid waste. The person must determine if the CRTs exhibit a hazardous waste characteristic under 40 CFR part 261, subpart C, either testing the CRTs or using process knowledge to make this determination. If the used or unused CRTs are determined to be hazardous and if a decision is made to dispose of them, the non-residential user, reseller, or manufacturer must comply with all applicable hazardous waste generator requirements of 40 CFR part 262.

Note: States like Florida that are encouraging the recycling of CRTs through existing rules and guidance are required to adopt the Final Rule to be at least as stringent as EPA concerning speculative accumulation, conditions for processing, and export notification.